

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANONYMOUS OXFORD HEALTH PLAN MEMBER
WITH ID #6023604*01, on behalf of himself and all
others similarly situated,

Plaintiff,

-against-

OXFORD HEALTH PLANS (NY), INC., a New York
Corporation, UNITED HEALTHCARE SERVICES,
INC., a Minnesota Corporation, and UNITED
HEALTHCARE, INC., a Delaware Corporation,

Defendants.
-----X

Civ. Act. No. 08 CV 00943 (PAC)

**NOTICE OF MOTION
TO DISMISS PLAINTIFF'S
CLASS ACTION COMPLAINT**

**DOCUMENT
ELECTRONICALLY FILED**

PLEASE TAKE NOTICE that, upon the Declaration of Rodney Lippold sworn to on April 14, 2008 and the exhibits annexed thereto, the Declaration of Michael Bernstein dated April 14, 2008 and the exhibit annexed thereto, and the accompanying Memorandum of Law In Support Of Defendants' Motion To Dismiss, the defendants Oxford Health Plans (NY), Inc., United Healthcare Services, Inc. ("UHSI") and United Healthcare, Inc. ("UHI"), by their attorneys, Sedgwick, Detert, Moran & Arnold LLP, will move this Court at a time and date designated by the Court, before the Hon. Paul A. Crotty, U.S.D.J. at the United States Courthouse, Southern District of New York, located at 500 Pearl Street, Courtroom 20-C, New York, New York 10007, for an Order pursuant to FED. R. CIV. P. 12(b)(6) dismissing plaintiff's Class Action Complaint in its entirety on the grounds that it fails to state a cause of action for which relief can be granted, or in the alternative, dismissing plaintiff's claims against UHSI and UHI on the grounds that neither is a proper party to this litigation, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
April 14, 2008

Respectfully submitted,

s/

MICHAEL H. BERNSTEIN (MB-0579)
JOHN T. SEYBERT (JS-5014)
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Attorneys for Defendants
OXFORD HEALTH PLANS (NY), INC., UNITED
HEALTHCARE SERVICES, INC. AND UNITED
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TO: Eric B. Fisher Esq.
Morgenstern, Fisher & Blue, LLC
Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I, MICHAEL H. BERNSTEIN, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served via ECF and Regular Mail on this 14th day of April, 2008, upon the following:

Eric B. Fisher Esq.
Morgenstern, Fisher & Blue, LLC
885 Third Avenue
New York, New York 10022

s/_____
MICHAEL H. BERNSTEIN (MB-0579)

Dated: New York, New York
April 14, 2008